



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Utah State Office

P.O. Box 45155

Salt Lake City, UT 84145-0155

<http://www.blm.gov>



### IN REPLY REFER TO:

3453

U-0147570

U-0142235

U-073120

(UT-923)

DEC 07 2005

CERTIFIED MAIL – Return Receipt Requested

### DECISION

Canyon Fuel Company, LLC	:	Coal Leases
c/o Ark Land Company	:	U-0147570
City Place One, Suite 300	:	U-0142235
St. Louis, Missouri 63141	:	U-073120
	:	

### Partial Coal Lease Relinquishments Denied

On March 17, 2005 Canyon Fuel Company, LLC requested the partial relinquishments of federal coal leases U-0147570, U-0142235, U-073120 and U-020305.

✓ The request for partial relinquishment of coal leases U-0147570, U-0142235 and U-073120 is denied as this area is still being beneficially used in your current coal operations. The partial relinquishment of coal lease U-020305 is still being considered by this office. ✓

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed Form 1842.1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21)(58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

RECEIVED  
DEC 08 2005  
DIV. OF OIL, GAS & MINING  
12/9/05

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards.

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

JAMES F KOHLER  ACTING

Kent Hoffman  
Deputy State Director  
Lands and Minerals

Enclosures

1. Form 1842-1 (1 p)

cc: Manti LaSal National Forest

Price Field Office (Attn: Steve Falk)

Ms. Mary Ann Wright, Acting Director, UDOGM, Box 145801, Salt Lake City, Utah 84114-5801

Skyline Mine  
- denial for fact of  
still being used  
for a dump.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL ..... Within 30 days, file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.
2. WHERE TO FILE ..... State Director, Utah  
NOTICE OF APPEAL ..... Bureau of Land Management  
Utah State Office  
P.O. Box 45155  
Salt Lake City, Utah 84145-0155  
  
SOLICITOR  
ALSO COPY TO ..... Regional Solicitor  
Department of Interior  
Federal Building, Room 6201  
Salt Lake City, Utah 84138
3. STATEMENT OF REASONS ..... Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.  
  
SOLICITOR  
ALSO COPY TO ..... Regional Solicitor  
Department of Interior  
Federal Building, Room 6201  
Salt Lake City, Utah 84138
4. ADVERSE PARTIES ..... Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from the decisions of the Director (WO-100)
5. PROOF OF SERVICE ..... Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

Unless these procedures are followed, your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a))